



August 22, 2023

Board of Supervisors
Kern County Administrative Center
1115 Truxtun Avenue
Bakersfield, CA 93301

**PROPOSED CHANGE TO DEMOGRAPHIC DATA INFORMATION RELEASE METHODOLOGY
FOR COVID-19 DEATHS IN KERN COUNTY
(Fiscal Impact: None)**

The purpose of this letter is to request your Board's approval in a change to the demographic data information release methodology for COVID-19 deaths in Kern County.

The Health Insurance Portability and Accountability Act (HIPAA) is the main federal law that protects health information and required the United States Department of Health and Human Services to develop standards that protect the privacy of individual identifiable health information. Under the guidance regarding methods for de-identification of protected health information in accordance with the HIPAA privacy rule developed by the United States Department of Health and Human Services, there are two allowable methodologies that may be used to release protected health information in a way that it is not individually identifiable: the "expert determination" method and the "safe harbor" method. The "expert determination" method allows for "a person with appropriate knowledge of and experience with generally accepted statistical and scientific principles and methods for rendering information not individually identifiable" to determine information used alone or in a combination with other available information presents a very small risk that the information could be used to identify an individual who is the subject of the information. The "safe harbor" method assigns point values to 18 different data elements determined to be "identifiers" and has a maximum point value that can be accumulated and still allow for the release of the information.

Early in the pandemic, the County opted to use the "expert determination" method to release COVID-19 demographic data, as we were unable to meet the "safe harbor" method's accumulated maximum point value to allow release. The "safe harbor" methodology assigns a large point value to the frequency of data updates, which was the primary reason the requirement could not be met at that time. Frequent updates of demographic data associated with COVID-19 cases and deaths was critical early in the pandemic, as we were all still learning about the virus, and it was important for our community to have a real-time understanding of the populations that were being disproportionately impacted by severe illness and death due to COVID-19. Pursuing the "expert determination" method allowed the County to hire an outside consultant who developed a statistical package that allowed for more frequent updates if there were at least 11 deaths in each of the demographic categories. The demographic categories include age group, underlying medical conditions, race/ethnicity, and sex.

Our last update to COVID-19 death demographic data dashboard was September 17, 2021. Since our last update, under the outside consultant's statistical package created to release under the "expert determination" method, we have been unable to update the data due to one category not meeting the threshold of a minimum of 11 deaths since the last update. Given that updates have not been possible

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using this methodology for almost two years, we are requesting to change our method of release from the established COVID-19 “expert determination” method to the “safe harbor” method. Using the “safe harbor” method will allow for the update of death demographic data on an annual basis regardless of the number of deaths in any given demographic category. As a result, there is much more information available for publication regarding the disproportionate impact of severe illness and death from COVID-19 to certain demographic groups, thus making more frequent data updates less important and aligning demographic disease data updates for COVID-19 with other disease updates that Kern County Public Health reports publicly on an annual basis.

The proposed change in demographic data information release methodology has been reviewed and approved by County Counsel.

Therefore, IT IS RECOMMENDED that your Board approve the change to the demographic data information release methodology for COVID-19 deaths in Kern County.

Respectfully submitted,



Brynn Carrigan
Director of Public Health Services

BNC

C: County Administrative Office